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RIGHTS OF THE CHILD

Report of the United Nations High Commissioner for Human Rights on the mission undertaken by her Office, pursuant to Commission resolution 2000/60, to assess the situation on the ground with regard to the abduction of children from northern Uganda

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I. INTRODUCTION

1. In its resolution 2000/60 on the abduction of children from northern Uganda, the Commission on Human Rights requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to undertake an assessment of the situation on the ground in the affected areas, including the needs of the victims, in full consultation with the relevant United Nations organizations and non-governmental organizations, and to report to the Commission at its fifty-seventh session.

2. In that resolution, the Commission, expressing profound concern at the continuing abduction, torture, detention, rape, enslavement and forced recruitment of children from northern Uganda, demanded the immediate cessation of all abductions and attacks on all civilian populations, in particular women and children, in northern Uganda by the Lord's Resistance Army and called for the immediate and unconditional release and safe return of all abducted children held by the Lord's Resistance Army.

3. The Commission requested the United Nations Voluntary Fund for Victims of Torture to provide assistance to the victims and their families suffering from the effects of torture inflicted by the Lord's Resistance Army.

4. The Commission urged all Member States, international organizations, humanitarian bodies and all other concerned parties with any influence on the Lord's Resistance Army to exert all possible pressure on it to release, immediately and unconditionally, all children from northern Uganda. It also urged all parties supporting the continuation of abduction and detention of children by the Lord's Resistance Army to cease immediately all assistance to, and collaboration with, the rebel Army.

5. The Commission welcomed the bilateral agreement between the Sudan and Uganda signed at Nairobi on 8 December 1999 by the Presidents of the two countries. It reiterated the commitment made by the Sudan and Uganda to make a special effort to locate any abductees, especially children, who have been abducted in the past and to return them to their families.

6. The Commission welcomed with appreciation the efforts exerted by the Governments of the Sudan and Uganda, complemented by the Special Representative of the Secretary-General for children and armed conflict, the United Nations Children's Fund and non-governmental organizations which resulted in the identification and reunification of many of those children with their families.

7. This report is submitted pursuant to the request of the Commission referred to in paragraph 1 above. It is based on information gathered from partners, as well as on the results of an assessment mission to the area carried out by the Office of the High Commissioner for Human Rights (OHCHR) in consultation with the United Nations Children's Fund (UNICEF) and the Office of the Special Representative of the Secretary-General for children and armed conflict.

II. MISSION COMPOSITION, VENUE AND MEETINGS

8. The mission was comprised of three OHCHR staff members, one UNICEF staff member and a consultant who represented the Office of the Special Representative of the Secretary-General for children and armed conflict.

9. The scheduling of the mission was subject to a number of postponements, due first to the Ebola epidemic in northern Uganda in November 2000 and subsequently to the holding of presidential elections on 15 March 2001. The mission was finally undertaken from 17 March to 6 April 2001, to Khartoum (Sudan), Nairobi (Kenya) and Uganda, and within Uganda, to Kampala, Kitgum, Gulu and Lira.

10. The Mission met with many individuals and organizations representing the Government of Uganda, the Government of the Sudan, relevant United Nations agencies, international organizations, donor countries, NGOs, community-based organizations, traditional leaders, the media and religious groups. A full list of those organizations is annexed. Additionally, the mission met with and interviewed many children and adults who had recently escaped from the Lord's Resistance Army.

11. The members of the mission gratefully acknowledge the logistical and administrative support they received on the ground from UNICEF throughout the mission and to the Associazione Volontari per il Servizio Internazionale (AVSI) for its assistance in Kitgum, Uganda.

III. ASSESSMENT

A. Background

12. The land of the Acholi ethnic group in northern Uganda, particularly the districts of Gulu and Kitgum, has been affected by a particularly brutal conflict over the past 15 years. The Lord's Resistance Army (LRA), under the leadership of Joseph Kony, has been active since late 1987, operating out of bases in southern Sudan. The LRA emerged from the Holy Spirit Movement (HSM) led by Alice Auma Lakwena, an Acholi woman who claimed to be a spirit medium. Her movement attracted substantial popular support in Acholi-land in 1986/87, following the overthrow of the previous regime by the National Resistance Movement (NRM), led by then General Yoweri Museveni. She exhorted her followers never to surrender in their objective of regaining power in Kampala. However, her forces suffered heavy casualties in November 1987, during a battle with government forces at Jinja. Lakwena subsequently fled to Kenya, where she now lives as a refugee.

13. Joseph Kony, a cousin of Alice Lakwena took over the remnants of the HSM army and declared his mission to be the overthrow of the NRM Government and to "install the Ten Commandments" in Uganda. By 1991, the LRA had begun to target the civilian population, but the level of military activity remained low throughout 1992 and 1993. At that point, it was reported that Joseph Kony sought to negotiate a surrender for the LRA. However, in 1994, the

peace process collapsed when the President delivered an ultimatum to the LRA to lay down its arms within seven days. Fighting steadily escalated over the next few years, attacks against the civilian population increasing in ferocity and frequency, sometimes involving large-scale loss of life. In April 1995, over 200 persons were killed at Atiak in Gulu district. In January 1997, more than 400 villagers were killed in Lamwo county near the Sudanese border. The levels of violence remained high through 1998, abated somewhat in early 1999 and have since increased.

14. The greatest tragedy throughout the conflict has been the strategic use of children by the LRA. Children are taken from homes, schools and communities, and from refugee settlements and camps for the displaced, to be trained as fighters, forced into slave labour or serve as wives for commanders. The LRA normally abduct children between the ages of 11 and 15, although they also take children of other ages, as well as adults. The trend over the years has been a targeting of younger and younger children, sometimes as young as six years old. Abductions occur mostly in Apac, Gulu, Kitgum and Lira districts, but children have been abducted from communities and refugee camps in Adjumani, Arua and Moyo. The abductees are taken to LRA bases in southern Sudan, around the main southern town of Juba in the Bahr El Jebel region. Most recently, the majority of abducted children have been kept in northern Uganda; many of them manage to escape within days or weeks of their abduction. The prolonged conflict has had a severe socio-economic and psychosocial impact, not only on the young people concerned but on the entire Acholi population.

B. Human rights violations by the LRA against abducted children

15. Estimates suggest that over 10,000 children from northern Uganda have been abducted by the LRA since 1986. The abducted children are severely maltreated and initially used for slave labour to carry heavy loads looted by their captors. Through a well-designed process of brutalization, the children are forced to take part in beatings and killings of those children who collapse under the burden of the workload or who have attempted to escape. In the past, the LRA took most of these children to camps in southern Sudan for training to become child soldiers. The situation of young girls is even worse. Most girls are raped and given to LRA soldiers and commanders as wives. There are an estimated 200 girls living in the LRA camps in southern Sudan with their small children who were born in the camps. The leader of the movement, Joseph Kony, is said to have about 60 such wives, including the reportedly 19 surviving "Aboke girls", a group of 30 girls abducted in 1996 from St. Mary's School in Aboke, Lira district.

16. By now, the vast majority of LRA fighters and camp followers are either children or were children at the time of their abduction into the movement. The experiences described above, combined with the acts of violence that the children are forced to commit against their own people, have very strong repercussions for their rehabilitation and reintegration into society. The LRA is devouring the lives of children in northern Uganda in order to sustain itself, given that it cannot attract young men to the rebel movement as volunteers. The brutal practices of the LRA, both in the camps and with regard to their attacks on civilian population centres, have been documented in detail in numerous NGO reports over the years. Human Rights Watch, for example, in its 1997 report, "The scars of death", reported that:

> "The rebels prefer children of 14 to 16, but at times they abduct children as young as eight or nine, boys and girls alike. They tie the children to one another, and force them to carry heavy loads of looted goods as they march them off into the bush. Children who protest or resist are killed. Children who cannot keep up or become tired are killed. Children who attempt to escape are killed.
>
> "Their deaths are not quick - a child killed by a single rebel bullet is a rarity. If one child attempts to escape, the rebels force the other abducted children to kill the would-be escapee, usually with clubs or machetes. Any child who refuses to participate in the killings may also be beaten or killed."

17. Amnesty International, in its 1997 report, "Breaking God's Commandments: the destruction of childhood by the Lord's Resistance Army", reported that:

> "becoming an involuntary part of the LRA means being made to abuse others. The killers of attempted escapees, captured government soldiers and civilians are themselves abused children. They are being abused by being forced to commit human rights abuses. This is deliberate. The children are often traumatised by what they have done and, believing that they are now outcasts, they become bound to the LRA."

18. The death rate of children in the camps in reportedly very high - those who are not killed by other LRA members or during conflict situations face a high risk of dying from starvation or dehydration. The testimonies of former LRA children, as reported by Amnesty International and other NGOs, describe life within the camps as "strictly hierarchical ... founded on a macabre re-ordering of experiences familiar to children". "Family" units are headed by a commander, who effectively owns the children allocated to him as chattels. Girls are held in forced marriages, effectively as sexual slaves. If the rules are not followed, the head of the family has the power to punish, often by caning, the number of strokes reflecting the severity of the offence. Certain crimes, such as allowing smoke to be seen, carries a death sentence.

19. Most women and girls who have been abducted and retained by the LRA are taken to serve as "wives" for the LRA commanders. Those who do not comply with the sexual demands made on them are beaten or killed. It is reported that many babies have been born in the LRA camps, and for those young women who would otherwise try to escape and return to their families, the social stigma of having become pregnant under such circumstances reportedly adds to their reluctance and fear to return home. Most of these women are forced to give birth unassisted in the bush, increasing the risk of infection and long-term medical problems.

C. The release and return of abducted children held by the LRA

20. In its resolutions 1998/75, 1999/43 and 2000/60 on the abduction of children from northern Uganda, the Commission on Human Rights called for the unconditional release and safe return of children abducted by the LRA. It should be noted that, despite these and other pleas from international bodies, the LRA has not released any children from its camps. All the abducted children who have returned to their families have done so through escape.

21. The most reliable statistics for the abduction of children in Uganda are based on the Abducted Children Registration and Information System, a database developed and maintained jointly by UNICEF and the Government of Uganda. The system contains information on over 26,000 documented cases of abduction in northern Uganda and in the West Nile region. (The ADF rebel movement in south-western Uganda has carried out an abduction campaign similar to that of the LRA, but on a much more limited scale; these abductions are not reported in the database.) About one third of the 26,615 cases of abduction recorded in the database involve children under the age of 17 (about 8,692 cases) and roughly 20 per cent of the recorded abductees are female. The majority of the abductions involve the short-term use of adults as porters for looted goods. Children account for almost all of the long-term aductions by the LRA.

22. Despite the system of terror that reigns within the camps and the deadly punishment for showing disloyalty, children do escape from the LRA and make their way to freedom. A total of 123 adults and children who have escaped in southern Sudan, mostly in 2000 and 2001, have become part of a programme of repatriation to Uganda. Nineteen of those individuals are small children or babies who were born in the camps and escaped with their mothers. Most of the adolescents and adults spent from two to four years in the camps before escaping.

23. The mission was informed by some of the children who had escaped from LRA camps about further risks of abuse and exploitation in the Sudan before escapees reach the Juba transit centre. Boys are reportedly sometimes kept by the military to serve as family servants, while girls are sometimes abducted by individual soldiers for use as sexual partners. The Sudanese Humanitarian Aid Commission (see below) acknowledged this risk and requested the support of international organizations in order to address the problem. According to testimonies collected by the mission, both children and adults who managed to escape from the LRA before the establishment of the transit centre in Juba often found refuge among the Sudanese Acholi communities in and around Juba, or in religious or health care-related institutions. Their number is estimated at between 150 and 300 individuals.

24. According to unconfirmed information, groups of children who have escaped from the LRA may be living and working in the streets of Nairobi. These reports should be investigated and if confirmed, the cases of such children should be considered by a repatriation programme.

25. The return of escapees from the LRA through Khartoum is coordinated through the Humanitarian Aid Commission of the Government of the Sudan and is assisted in particular by UNICEF, the International Organization for Migration (IOM) and Save the Children-UK. Transit centres were established at Soba (outside Khartoum) in December 2000 for women and children and in March 2001 for adult men. The first group of returnees, numbering 21 persons, was repatriated on 29 January 2000. The second group, 51 persons, among them many Sudanese, was repatriated on 6 April 2000. The third, fourth, fifth and sixth groups were repatriated on 22 September 2000, 27 September 2000, 9 February 2001 and 28 March 2001 respectively. A total of 123 returnees have been repatriated under the programme. At the time of the writing of this report, the repatriation of 30 more returnees is expected to take place in early June 2001.

26. The escapees living in the camp for adult men presented the mission with their views and concerns relating to the Agreements signed between the Governments of the Sudan and Uganda, and the way they had been treated since their escape. Among the points that they raised with the mission were the following:

(a) They, the adult men, had facilitated the escape of some of the children currently in the Soba camp and accordingly had become enemies of the LRA;

(b) Some of them had no trust in the Amnesty Act "because of past experiences with the current Government of Uganda in handling 'reporters' after they get their freedom at home, i.e., the arrests of ex-rebels during the recent presidential elections and the re-recruiting of reporters to military tasks and to handle difficult missions which will eventually endanger our lives";

(c) Many of them had medical problems or had been injured during their time with the LRA or as a result of their escape, but while in the Sudan they could not undergo any major medical procedure without the permission of the Government of Uganda;

(d) Although some of them wished to be resettled as refugees in a third country, they did not want to be permanently separated from family members still living in Uganda.

27. It should be noted that 22 escapees remain in Soba camp outside Khartoum who are either unwilling or afraid to return to Uganda. These individuals are mostly former LRA commanders aged between 30 and 50, their "wives" and their small children. As a matter of urgency, they should be offered a preliminary interview by the Office of the United Nations High Commissioner for Refugees (UNHCR) to assess their eligibility for refugee status. The special protection needs of the women and of their children need to be taken into account in the interview process in order to ensure their full agreement to remaining with their husbands rather than returning to northern Uganda.

28. It is hoped that more children will escape from the LRA, in view of the recent establishment of a reception centre in Juba to receive escapees. It is expected that the centre will facilitate more rapid processing of the children for return to Uganda, where they are offered counselling, provided to some extent with opportunities for basic education and vocational training, and eventually reunited with family members. It is also expected that word of the centre will spread and attract increased numbers of escapees - children and adults.

29. The number of children who escape and are rescued within Uganda remains relatively large for a number of reasons, in particular because the Ugandan People's Defence Force (UPDF) has made it difficult for the rebels to cross the border into the Sudan. This means that fewer boys are being abducted for long-term training as child soldiers and fewer girls are being abducted as "wives" for the commanders in the main camps in Sudan. Pressure by the UPDF has also kept the LRA on the move within Uganda, a situation which favours escape by abductees. The mission interviewed many such recently-escaped children and found that most of the children had been abducted for a period of about two weeks before escaping.

30. According to the records kept in the Abducted Children Registration and Information System, as well as estimates by concerned international organizations, about 6,000 children who were abducted over the years remain unaccounted for. Many of the missing children are presumed to be dead. The current strength of the LRA is generally estimated to be several hundred (between 200 and 800, according to the sources) operating within Uganda and about 800 to 1,200 operating in southern Sudan.

D. Implementation of the bilateral agreements

31. A number of bilateral agreements have been concluded between the Government of the Sudan and the Government of Uganda, aimed at improving relations and, in particular, at the return of abducted children and the prevention of further such abductions. The main agreements are the Agreement between the Governments of the Sudan and Uganda, signed on 8 December 1999 in Nairobi, and the Record of Commitments Made, signed in Nairobi on 19 November 2000. A Joint Communiqué on Immediate Action on Abducted Children, signed on 17 September 2000 in Winnipeg, Canada, led to further meetings between the two countries, as well as with representatives of the Governments of Canada, Egypt and Libya. The Carter Center continues to play a major role in mediating these discussions and working to find a peaceful solution to the conflict in the affected areas.

32. The Nairobi Agreement of December 1999 contained a number of commitments, most notably:

(a) Mutual respect for sovereignty and territorial integrity;

(b) Renunciation of the use of force to resolve differences;

(c) Efforts to disband and disarm terrorist groups;

(d) Agreement not to harbour, sponsor or give military or logistical support to any rebel groups;

(e) A common effort to promote regional peace;

(f) Refraining from hostile or negative propaganda campaigns directed against each other;

(g) The return of all prisoners of war;

(h) A special effort to locate any abductees and cooperation in the search for and rescue of these victims;

(i) Facilitation of the return or resettlement of refugees;

(j) The offering of amnesty and reintegration assistance to all former combatants who renounce the use of force;

(k) Eventual re-establishment of diplomatic relations between the two countries.

33. The Record of Commitments Made, signed in Nairobi on 19 November 2000, added a number of concrete steps to the commitments undertaken by the two Governments, most notably:

(a) The relocation, disarming and disbanding of the LRA by the Government of the Sudan;

(b) Facilitation of meetings between the LRA and the Acholi community (the main ethnic group in the affected area), as necessary;

(c) Messages conveyed in the media to contribute to an atmosphere conducive to the implementation of the agreements, including such positive initiatives as the (Uganda) Amnesty Act;

(d) The establishment in Juba of a reception centre, administered by the (Sudanese) Humanitarian Aid Commission and supported by UNICEF and IOM, to receive and promptly process escapees from the LRA;

(e) The construction of a camp in the vicinity of El Jebelein to facilitate the disbanding of the LRA; and

(f) The deployment of an international observation team, the members of which are to be contributed by the Governments of Egypt and Libya, to observe whether there is any arms-trafficking, recruitment, training or other military activities in Uganda aimed at supporting the Sudanese People's Liberation Army (SPLA).

34. The mission was able to confirm that progress has been achieved in the implementation of the two Nairobi Agreements. That progress includes: the return of Sudanese prisoners of war, the opening of a reception centre in Juba in the Sudan in January 2001 to receive and promptly process escapees and abductees as they are released; the apparent cut-off of food support and reduction in military support to the LRA in the Sudan, as well as the restriction of access for the LRA to Juba town (which was confirmed in many interviews with escaped children); and the identification of a site 1,000 kilometres north of the Ugandan-Sudanese border for the eventual relocation of LRA commanders after the return of abductees. It must be noted that although the Government of the Sudan appears willing to comply with some of its obligations under the Nairobi Agreements, this compliance appears to be meeting some resistance from the military and security services in and around Juba. It should also be noted that the Amnesty Commission is already in place in Uganda, as well as various reception centres for the rehabilitation and reintegration of abducted children (see section F below). However, the mission also found that there was a general atmosphere of mistrust and that both sides were focusing exclusively on as yet unfulfilled provisions of the agreements.

35. At the time of the mission, mixed messages from the political leadership were being reported in the media which tended to undermine the peace process and exacerbate hostility between the two countries. Subsequently, however, there was a meeting of the Presidents of the Sudan and Uganda during President Museveni's inauguration on 12 May 2001 for his second term. On that occasion, he reportedly announced that diplomatic relations between the two countries would be restored immediately. This is a most welcome development that will facilitate the speedier return of LRA escapees to Uganda and may make possible a timely and conclusive resolution of the LRA problem through negotiations. A negotiated settlement is the only realistic hope for ending the conflict in northern Uganda, given that increased military deployment and the establishment of "protected" camps have not halted the abduction of children.

36. The mission was informed that steps were being taken for the eventual deployment of the observation team, as foreseen in the Record of Commitments Made, which had been delayed because of the Ebola epidemic in northern Uganda in November 2000. That epidemic has been officially declared to be over by the World Health Organization.

37. Until now, it appears that Joseph Kony, the leader of the LRA, has not been willing to enter into a dialogue aimed at finding a peaceful solution to the war in northern Uganda.

E. Conditions in the "protected" camps

38. In 1996, in response to increased attacks against the civilian population, the Government of Uganda moved approximately 400,000 people living in Gulu and Kitgum districts into "protected" camps, which were created as a "temporary" security measure. An estimated 80 per cent of the population in the north live in these camps. In fact, the number of residents in the camps varies greatly, depending on perceived changes in the security situation. During periods of relative quiet many people travel back to their land and attempt to cultivate some crops. In periods of increased LRA attacks, camp populations can exceed 400,000, particularly at night, when people seek refuge in places defended by a military presence.

39. The mission visited Lokung camp in Kitgum district and Amuru camp in Gulu district. The conditions in the camps were appalling, with thousands of people crowded into a very small area of land rendering impossible the traditional patterns of subsistence farming. Women and children in the camps were in tattered clothing and there were visible signs of malnutrition among children. Residents of the camps receive very small quantities of grain - enough for one meal per day, which forces them to risk leaving the camp in order to search for more food. Health facilities do not correspond to the needs of the displaced population. Although the camps have clinics, there are very few medical staff to work in them and camp residents have no means by which to pay for the few drugs which are available. The "protected" camps in northern Uganda continue to have the highest rates of infant mortality in the country as the spread and incidence of disease is acute. Diarrhoea is very common, as are upper respiratory tract infections, malaria, fever, syphilis and dysentery.

40. More than half of the people have no access to safe water and the pumps of the too few boreholes meant to provide water for thousands of people break down constantly. Women and girls in the camps regularly spend several hours each day trying to collect water for drinking, cooking and washing. Those who walk to the boreholes early in the morning or late at night when the queues are shorter, are at risk of abduction and sexual assault.

41. The camps have primary schools, but it was reported that little meaningful learning takes place. There are no adequate teaching materials and the teachers, on meagre salaries, are not usually very motivated. Despite the Government's universal primary education policy, some children are unable to attend because they cannot afford proper clothing. Whilst boys sometimes attend half-naked, girls stay away. Many children also drop out of school because their parents do not have the 4,000 shillings per term (less than 3 United States dollars) needed to enrol them.

42. The long-term exposure to violence and deprivation has had profound effects on all members of civil society in the north of Uganda, both those living in the camps and elsewhere. The risk of being abducted affects every aspect of their lives, from going to work in the fields, going to school, fetching water and firewood, and even just playing with friends. Many organizations have documented the effects suffered particularly by children, including those who have not been abducted but for whom this fear remains a daily reality. These effects include those of a psychosocial and traumatic nature, such as persistent nightmares, withdrawal, inability to concentrate, aggressive behaviour and a breakdown in their relationships with those around them. Whole families suffer when one member is abducted, parents feel guilt and inadequacy about being unable to protect their children, many feel despair about the future and alcoholism is common. Traditional and religious leaders are all greatly concerned over the breakdown of traditional Acholi society in the camps and the erosion of community values and traditional methods of conflict resolution.

43. Owing to the lack of effective legal and military protection mechanisms, women and children, particularly orphans and unaccompanied children, are at risk of being sexually abused, including raped, in the camps by residents, by UPDF soldiers and by the LRA. The mission was advised that there are many situations in which young women form a sexual relationship with a soldier or camp leader in order to have better access to food and to security. The very harsh living conditions have also led to a high incidence of prostitution. The mission received other reports implicating UPDF soldiers in the commission of sexual attacks against the female population in the protected villages.

44. The UPDF has taken measures to secure some of the main roads in northern Uganda, thereby facilitating movement and commerce. There has also been a reported reinforcement of security forces in the affected areas with troops returning from the Democratic Republic of the Congo. However, the challenge remains to identify means to provide sufficient protection to the population from the continuing threat posed by the LRA in order to allow them to return to their place of origin and improve their living conditions. Residents of the camps told the mission that they wanted to return to what was left of their villages and resume their traditional way of life, but they remained fearful of attacks by the LRA. Some individuals stated that they would agree to be moved to other camps as long as these were much smaller than the current arrangements and were set up in such a way as to allow villagers to work on the land nearby.

45. It remains unclear how the "protected" camps may be devolved into smaller camps - a stated objective of the Government - if there is not a corresponding strengthening of military capacity to protect the population. Steps have been taken to augment the military forces in the north with trained and armed subsidiary forces, called home guards, recruited from among the local population. From discussions undertaken by the mission, it became apparent that these home guard forces placed under the responsibility of the UPDF are recruiting under-age children. The recruitment of children into other paramilitary groups or militias has also been reported.

46. Information provided to the mission suggests that the modus operandi of the LRA as regards attacks on the civilian population in northern Uganda has changed in recent months. It appears that the main purpose of many attacks is now to loot, which would appear to be the primary, if not the only means by which the LRA forces within Uganda, generally estimated at between 200 and 400 individuals, are currently able to sustain themselves. The rate of abductions remains high, but the nature of these abductions has changed in that both adults and children may be forced to carry looted material into the bush, after which many are released or manage to escape within days. The number and percentage of girls abducted by the LRA in northern Uganda appears to have decreased. Nevertheless, there is still an attempt by the LRA to retain some of the young teenage boys and to train them as child soldiers, as reported to the mission by some of them who had managed to escape.

47. There are reports that the level of violence during such raids has decreased in recent months, which is a potential indication that LRA commanders may be keeping their options open for dialogue with the Government of Uganda based on the provisions of the Amnesty Act. However, civilians, children in particular, are still fearful of abduction, violence and abuse by the LRA. The mission was also informed that civilians are increasingly at risk of attack by small groups of bandits. The identity of these individuals is unclear, but it is believed that they are former LRA members and disaffected local youths who have turned to banditry as a way of living.

48. In both the camps which the mission visited, residents reported that the number of UPDF soldiers posted to protect each camp was too small to be effective. It was also reported that the lack of motivation of many UPDF soldiers posted at these camps results in their slow response to or even flight during an LRA attack. Owing to the insufficient military presence in the "protected" camps, the soldiers often occupy the centre of the camps, leaving the displaced population living at the periphery of the camps vulnerable to LRA attacks. The mission was advised, however, that in other camps the UPDF soldiers are stationed at the periphery.

F. National and international efforts to improve the situation

The Sudanese Humanitarian Aid Commission

49. Many concerted efforts are being made by States, international organizations, humanitarian bodies and other concerned parties to improve the situation concerning the abduction of children and to meet the needs of the victims. In the Sudan, the establishment of

the reception centre in Juba under the responsibility of the Humanitarian Aid Commission and the transit centres outside Khartoum have already been noted. The work of that Commission with the participation of international organizations and NGOs, to facilitate the return to Uganda of former abductees deserves special mention.

The Uganda Amnesty Commission

50. The Amnesty Act provides a legal framework for enforcing the amnesty for children and for extending it to adult fighters. As such, the Amnesty Act and the commission created thereunder represents a singularly important initiative aimed at finding a negotiated settlement with the LRA and facilitating the return of abducted children. The Act was adopted by the Government of Uganda on 21 January 2000 and provides amnesty for anyone who has engaged in armed rebellion against the Government since 1986 and who renounces and abandons such rebellion and surrenders his or her arms. Such "reporters" cannot thereafter be prosecuted or subjected to any form of punishment for any crime committed in the cause of the war or armed rebellion.

51. The issuing of a blanket amnesty, particularly where war crimes and crimes against humanity have been committed, promotes a culture of impunity and is not in conformity with international standards and practice. In that connection, it should be noted that the practices of the LRA, including murder, enslavement, torture, rape and sexual slavery, are not only grave human rights violations but may also be considered as war crimes. In conformity with the relevant international legal norms, the top leadership of the LRA must remain accountable for those crimes. However, it should be noted that the vast majority of LRA fighters are or were child soldiers and are therefore unlikely to be prosecuted for any crimes they may have committed while they were abducted. It should also be noted that the Amnesty Act and the reconciliation process has the strong and determined support of all the organizations in the north with whose representatives the mission met and, reportedly, among the general public as well.

52. Most importantly, the Amnesty Act establishes an Amnesty Commission of seven members appointed by the President and approved by Parliament. The main objectives of the Commission are the monitoring of programmes for the demobilization, reintegration and resettlement of "reporters" under the Act; sensitizing the public on the amnesty law; promoting reconciliation mechanisms in the affected areas; and promoting dialogue and reconciliation throughout the country. The Amnesty Commission is in the process of opening a series of field offices in the affected districts of the north.

53. The Amnesty Commission has experienced a number of problems since its establishment, including significant delays in the implementation of the Amnesty Act; uncertainty within the Commission over the level and availability of government funding; and lack of adequate proactive outreach to NGOs and coordination forums. There have also been mixed messages from the political leadership about the Amnesty Act which reinforce suspicions and fear among the LRA, strengthen the propaganda of its leader and undermine efforts to promote dialogue.

Local authorities, NGOs and community organizations

54. In Uganda, significant steps have been taken towards preventing further abductions to the extent possible and towards reintegrating child abductees who have escaped from the LRA. In that regard, there is a strong commitment on the part of local authorities, organizations and the general public to welcome back child returnees and escapees, and to provide them with the necessary moral and, as far as possible, material support for their initial reintegration. Throughout the major population centres in the affected areas, local organizations have been formed to mobilize support and assistance for affected families and returning children. Very importantly, local coordinating forums, such as the Joint Forum for Peace in Kitgum, bring together the many organizations concerned to unify their message and efforts, decide on a division of labour and avoid duplication of efforts. Among the many organizations working with the returned child abductees and providing them with psychosocial support, World Vision, the Gulu Support for Children Organization (GUSCO), the International Rescue Committee (IRC), AVSI and the Kitgum Children and Women's Association (KICHWA) deserve special mention. It should be emphasized that the processing of the children is efficient and that the conditions under which they are held in transit centres run by international organizations and NGOs conform to international standards of care and protection.

55. In Gulu, World Vision and GUSCO share the caseload of returning abductees. World Vision opened the Children of War Rehabilitation Centre in March 1995 and provides support to adults, as well as to children, from other districts released by the military in Gulu. At the time of the visit, the mission was informed that some 5,560 persons had passed through the Centre, benefiting from psychological support, family tracing and reunification. Some returnees have also benefited from vocational training, such as in carpentry, tailoring and bricklaying. World Vision has also trained over 400 local counsellors in the villages to help the returnees be accepted back into their communities.

56. GUSCO provides support to children under 18 from Gulu district. It opened in 1997 and works both with children in the centre and others in the community who have not come through the centre. The children receive psychosocial support, some vocational skills training and informal schooling, such as in basic literacy. Staff at the centre use music, dancing and games grounded on local culture as therapy.

57. Until 1999, returning children who had been abducted from Kitgum were systematically transferred to the Fourth Army Division Headquarters in Gulu. After being held in the UPDF barracks for periods that could last from three weeks to three months, the children would then be transferred to World Vision in Gulu. Families were rarely informed of their children's return and it was, and remains, extremely difficult for any families living in Kitgum to travel to Gulu to look for their children. Now, as a result of the IRC and KICHWA advocacy work, the children are released directly in Kitgum without being transferred to Gulu. Their release from the military barracks occurs within days. But it must be noted that they are mostly released on the basis of informal, interpersonal contacts established between NGO workers and the military, rather than established procedures.

58. The programme in Kitgum was started in 1998 by the IRC, which initially provided psychosocial care to former abductees and later expanded its programme to all war-affected children. This responsibility was eventually handed over to KICHWA, which implements family tracing and reunification and provides support to children under the age of 18, although it will also assist young people up to the age of 22.

59. As mentioned earlier, the most recently abducted children are mainly kept by LRA forces within Uganda and many of them manage to escape within days or weeks of their abduction. This new situation needs to be reflected in the psychosocial support provided by NGOs to abductees and the length of stay in GUSCO and World Vision transit centres in Gulu should be drastically reduced for children who have been held in captivity by the LRA for only a short time.

60. Much remains to be done, particularly if the number of returnees increases dramatically as a result of the amnesty and reconciliation process. For those escapees who are already returning, there is a lack of small packages of assistance, providing them in particular with an opportunity either to continue their education or to undertake vocational training. The desire of returned children to continue their education was the leading concern voiced to the mission in the interviews that it conducted. Much more attention also needs to be focused on the situation of older LRA escapees, who often may be key in facilitating the escape of others, particularly women and their small children. The uncertainty of their situation will continue to discourage other potential defections that could be critical in further undermining the rebel movement.

61. The Sudanese military now facilitate the transfer of children who have escaped from the LRA to the reception centre in Juba, but there were unconfirmed reports about escapees being returned to the LRA by the military, which, if true, would result in their immediate killing by the LRA. Testimonies show that the children now spend less time with the military before being transferred to the reception centre in Juba, but it remains a matter of concern that some children may still be detained for long periods (up to 24 days). The lack of access by international organizations, including IOM and UNICEF, to the military barracks in Juba also remains a concern and results in lack of information regarding how the children are being treated. Testimonies indicate that the children work long hours for the military. There is a strong need for training to be provided to the Sudanese military, similar to that which has been provided to the Ugandan military.

62. The UPDF has achieved notable progress in adapting to the special situation prevailing in northern Uganda, where the main body of rebels is comprised of present or former child soldiers. As a result of the interviews it conducted, the mission was able to confirm that the Ugandan Army has taken a humane and disciplined approach to the LRA and treats all LRA escapees as abductees, including those who are secured during action. It also provides basic medical treatment for child abductees secured as a result of military operations. There were no reports of physical or sexual abuse being committed by soldiers of the UPDF against children who had escaped from the LRA during their time in UPDF custody.

63. In both the Sudan and Uganda, the mission noted that the amount of time spent by the children in military custody before being handed over to the appropriate organizations for family reunification and community reintegration has been significantly shortened. In both countries,

this period has been reduced to an average of one week. In Uganda, the proper care and supervision of these children has been ensured by the establishment of the Child Protection Unit in Fourth Army Headquarters, based in Gulu, following the advocacy work led by UNICEF to ensure early access to the children in military custody and monitoring of their situation. The work of the Unit has been enhanced as a result of the child-rights and humanitarian training carried out with army personnel deployed in northern Uganda. Both the training and work of the Child Protection Unit are supported and monitored by Save the Children Federation - Denmark and Save the Children Federation - Sweden, whose pioneering work in Uganda could serve as a model for similar initiatives elsewhere.

64. The Save the Children Federation (SCF) has worked with the UPDF since May 1999, when it started providing child-rights training to senior officers. The training has covered relevant elements of international legislation, such as the provisions of the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child, and has included psychosocial issues. SCF reported that 90 senior officers had been trained, 15 as trainers of trainers, and 2,500 soldiers of lower rank. SCF reported increasing its cooperation with the UPDF, but that there were some difficulties in monitoring the long-term impact of the training, given that many officers had been transferred from northern Uganda since receiving the training.

65. Working together with military personnel, SCF-Sweden and SCF-Denmark produced "A handbook on child rights protection during peace and wartime", available in English and Lugandan, which is distributed to the soldiers when they are trained. The handbook outlines international child-rights legislation, addresses moral and practical reasons why children should not be recruited into armed forces, and encourages soldiers to behave as role models to the communities they serve.

Donor assistance

66. There are a number of on-going donor activities as well as new projects in the northern Ugandan districts of Gulu and Kitgum, many of which benefit children and other vulnerable groups. Some donors (Belgium, Denmark, Italy, USAID, UNICEF) contribute to a project directly focusing on support to the abducted children. Other donors (Ireland, the European Commission, Germany, the United Kingdom, the World Health Organization, the African Development Bank, the United Nations Development Programme, UNESCO, UNICEF, the World Bank) support socio-economic programmes, including support to the protected villages. Several donors already support peace and reconciliation initiatives in northern Uganda and many have expressed interest in supporting activities related to the work of the Amnesty Commission, once the Commission has gained the full and unequivocal support of the Government.

67. The mission was informed by a number of donors that much more development assistance and investment would be available for northern Uganda if peace were to come to the affected districts. Given the severe insecurity of the present situation, however, most international assistance is aimed solely at providing basic humanitarian assistance to the population. It should be noted that the insecurity caused by the continuing raids of the LRA have prevented the northern districts from moving beyond relief to development assistance for

the past 15 years. While the rest of the country has made significant economic and social progress during that time, the economic and social situation in the north has, in contrast, substantially and continuously deteriorated.

G. The United Nations Voluntary Fund for Victims of Torture

68. Paragraph 5 of Commission on Human Rights resolution 2000/60 of 26 April 2000 was brought by the Secretariat to the attention of the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture at its nineteenth session, held from 15 to 26 May 2000. In accordance with General Assembly resolution 36/151 and with the established practice of its Board, the Fund only finances applications submitted directly by non-governmental organizations. Procedures and guidelines for the use of organizations submitting applications to the Fund are annexed to the report of the Secretary-General to the General Assembly at its fifty-fifth session (A/55/178, annex II), which was before the Commission at its fifty-seventh session (see also E/CN.4/2001/59 and Add.1). Applications for the year 2001 had to be submitted before 31 December 2000, and for the year 2002, must be submitted before 31 December 2001. The procedure for the processing of applications and decision-making is confidential. As indicated in document A/55/178, table 4, "List of organizations financed by the Fund in 2000", the Fund provided financial assistance in 2000 to several non-governmental organizations assisting victims of torture and members of their families in Uganda.

IV. CONCLUDING OBSERVATIONS

69. The following are the concluding observations of the mission.

A. International agreements and their implementation

70. The LRA is urged to stop immediately the abduction, torture, detention, rape, enslavement and forced recruitment of children from northern Uganda; to release immediately all remaining captives, including girls and women who were forced into marital relationships; and to meet with mediators as well as representatives of the Acholi community who are trying to achieve a peaceful resolution to the conflict in northern Uganda.

71. Because of the terrorist nature of its activities, the LRA must be effectively banned from raising funds internationally for its activities.

72. There is a need to depoliticize the issue of child protection, particularly in view of the extent and seriousness of the human rights violations suffered by the children of northern Uganda at the hands of the LRA. Efforts must be focussed on expediting the return and reintegration of the abducted children as a priority for all parties involved in the region and elsewhere. The United Nations system in Uganda and in the Sudan should be called upon to play as active a role as possible in that regard. Ongoing initiatives to improve relations between Governments in the region should give priority to the resolution of children's issues.

73. Determined efforts should be made by all parties concerned, including the LRA, to achieve a negotiated and peaceful settlement to the conflict in northern Uganda.

74. Positive steps should be taken at the highest levels to create an atmosphere conducive to the continued implementation of agreements between the Government of the Sudan and the Government of Uganda.

75. Active implementation of the agreements should be resumed without delay, including the drafting of a protocol and other necessary arrangements for the eventual deployment in northern Uganda of the observation team of military experts from Egypt and Libya.

76. The Government of Uganda and the Government of the Sudan should promote and facilitate the development of a dialogue between the LRA and key representatives of the Acholi community in Uganda, as provided for in the November 2000 Record of Commitments Made.

77. The cut-off of support to the LRA in the Sudan must be sustained and intensified as part of a vigorous effort by the Government of the Sudan to pressure the LRA into demobilizing its forces inside Sudan. It should be matched by more proactive efforts to assist the escape of abducted children and facilitate their access to the reception centre in Juba.

78. The Governments of the Sudan and Uganda should take immediate steps to re-establish full diplomatic relations through the exchange of representatives, a move which would greatly facilitate contacts on many matters, including the repatriation of abducted children.

B. Amnesty and reconciliation

79. There is an urgent need for a visible and unequivocal media campaign by the Government of Uganda to demonstrate its support for the amnesty and reconciliation process for persons abducted by the LRA.

80. The international community should take the necessary steps to isolate further the top leadership of the LRA and to hold it accountable for the gross human rights violations for which it is responsible.

81. Further regional offices of the Amnesty Commission should be opened as quickly as possible with adequate staffing to ensure dissemination of information on the Amnesty Act.

82. Small projects and proposals for limited initiatives aimed at addressing the immediate needs of returnees should be developed by the relevant organizations, in particular the Amnesty Commission, and submitted to donors.

83. Close coordination should be ensured between the regional offices of the Amnesty Commission and local coordination forums and organizations to avoid duplication and build upon existing initiatives.

84. The Ugandan Amnesty Act should be widely publicized and disseminated in southern Sudan with the assistance of the Government of the Sudan in collaboration with international organizations. To that end, the Uganda Amnesty Commission could be invited to establish a presence in southern Sudan in order to facilitate the information campaign.

C. Security, including the "protected" camps

85. Increased numbers of disciplined troops committed to taking the necessary steps to protect the local population should be deployed. This should be carried out in close consultation with civil society structures, including community, religious and traditional leaders. The tactics and approach of the military must continue to take into account that many or most fighters are abducted child soldiers and that most camp followers are abducted women, their children and other abducted persons.

86. The Government of Uganda should review its strategy to facilitate the return of the displaced population to their lands, with a view to dismantling the "protected" camps. It should engage in a dialogue with the United Nations and other humanitarian organizations to ensure that the dismantling is orderly and that the return of the affected population is voluntary and facilitated within the shortest time possible. Durable solutions for the displaced population should be identified and developed in full consultation with and with the full consent of those affected.

87. Steps must be taken to ensure that there is no recruitment of children into the army, paramilitary organizations or militias in either Uganda or the Sudan. The cooperation of international and local organizations will be essential for monitoring this situation.

D. Assistance to abducted children and the affected population

88. There should be a more active and comprehensive involvement of international organizations in systematically monitoring the conditions under which LRA escapees are handled and debriefed by the military, particularly in southern Sudan.

89. A strategy should be formulated and implemented for the identification and eventual return of all former child abductees who have escaped and may be living in southern Sudan. Such a strategy should be implemented by the Humanitarian Aid Commission, in cooperation with international organizations. The strategy should include the dissemination through appropriate means of information regarding the Amnesty Act in Uganda and the existence of the programme of repatriation to Uganda through the transit centre in Juba. The Government of the Sudan should facilitate access for international organizations to the local communities around Juba in the Bar El Jebel region.

90. The Government of the Sudan should take into consideration the special protection needs of girls and women who were abducted and forced into marital relationships. In particular, specific procedures should be established, in coordination with humanitarian organizations, to assist women and their children who escape with the men with whom they have been forced to enter into a "bush marriage" to decide independently on their future and that of their children. It should be noted that of the 22 individuals who have refused to be repatriated to Uganda, nine are either wives or small children of men in the Soba camp.

91. The Government of the Sudan, with the assistance of international organizations, should develop child rights training for its military and security forces, in order to raise their understanding of child protection issues and of their key responsibility in ensuring the care and protection of women and children formerly abducted by the LRA.

92. The Government of the Sudan should define, with the support of international organizations such as UNHCR and the International Committee of the Red Cross, the status of the adult male escapees who do not wish to return to Uganda.

93. There should be more international support for the efforts of NGOs which are assisting and reintegrating former LRA abductees into society, particularly through the provision of small support packages to those who are already returning, so that they may continue their education or undertake vocational training. In that connection, the Amnesty Commission should, as a matter of priority, submit small and limited proposals for international assistance for immediate funding rather than proposals based on very large projections of returning escapees that may not materialize.

94. As most LRA escapees within northern Uganda are now children who were abducted for relatively short periods, an effort should be made to expedite their return to their families without undue delay.

95. An investigation should be carried out by UNICEF into reports that children formerly abducted by the LRA are now living on the streets of Nairobi. If this is confirmed, the conditions for their prompt return to Uganda should be identified.

Annex

INDIVIDUALS AND ORGANIZATIONS WITH WHOM THE MISSION MET

In the Sudan

The mission met with the State Minister for Peace Affairs, the Minister for Foreign Affairs, the former Foreign Minister and current Chairman of the Contact Group on the Nairobi Agreement, the Humanitarian Aid Commission, The Carter Centre, UNICEF, IOM, ICRC, Save the Children Fund (UK) and the United Nations Country Team. The mission also met with representatives of donor missions and visited both the child and adult facilities at Soba Camp, where it held interviews with LRA escapees, most of whom returned to Uganda during the mission.

In Nairobi

UNICEF, IOM, World Vision and the Canadian High Commission.

In Uganda

In Kampala, the mission met with the Minister of State for Northern Uganda, the Minister in Charge of the Presidency, the Chairman of the Amnesty Commission, the Uganda Human Rights Commission, Africa Rights, World Vision, Save the Children Federation - Denmark, the United Kingdom Department for International Development (DFID), USAID, representatives of the donor missions, the United Nations Resident Coordinator, the UNICEF representative and representatives of other United Nations agencies and of IOM. In Kitgum, the mission met with the Chairman of the (district) local council, the Resident District Commissioner, AVSI, the Caring Parents' Association, the International Rescue Committee, KICHWA, the Elders' Group, the Community Development Officer, the Joint Forum for Peace and various religious leaders. Also in Kitgum, the mission interviewed recently escaped child abductees and visited the protected village of Lokum. In Gulu, the mission met with the Chairman of the (district) local council, the Probation and Welfare Officer, the Justice and Peace Commission, Religious leaders, the Institute of Traditional Chiefs, the Resident District Commissioner, the Gulu Support for Children Organization, the Commander of the Fourth Army Division (Gulu), the Child Protection Unit of the Fourth Army Division, local journalists and broadcasters, the Norwegian Refugee Council, Human Rights Focus, the district office of the Amnesty Commission and the district office of the Human Rights Commission. Also in Gulu, the mission interviewed recently escaped child abductees and visited the protected village of Amunru. In Lira, the mission met with the Concerned Parents' Association and visited St. Mary's School, Aboke.

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RIGHTS OF THE CHILD

Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography

Note by the Secretary-General

1. In its resolution 1992/74, the Commission on Human Rights adopted the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography. It also requested the then Sub-Commission on Prevention of Discrimination and Protection of Minorities to submit every two years a report to the Commission on Human Rights on the state of implementation of the Programme of Action by all States.

2. In its resolution 2000/19, the Sub-Commission on the Promotion and Protection of Human Rights requested the Secretary-General to invite all States to inform the Working Group on Contemporary Forms of Slavery of measures adopted to implement the Programme of Action, the Stockholm Declaration on Commercial Sexual Exploitation of Children, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and other related developments, and to report thereon to the Sub-Commission at its fifty-third session and to the Commission at its fifty-eighth session.

3. Pursuant to that request, the attention of the Commission is drawn to the report of the Secretary-General to the Sub-Commission on the state of implementation of the Programme of Action (E/CN.4/Sub.2/2001/4), which is being made available to the Commission at its present session.

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